

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA                          )  
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    )  
    )        No. 3:05-CR-113  
V.    )        (PHILLIPS/SHIRLEY)  
    )  
    )  
DONALD R. HARMON                                    )

ORDER OF SUBSTITUTION OF COUNSEL

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or Report and Recommendation regarding disposition by the District Court as may be appropriate. The defendant personally appeared before the undersigned on October 12, 2005, for a detention hearing. Before the hearing began, Jonathan Moffatt, counsel for the defendant, made an oral Motion for Substitution of Counsel stating that the defendant has retained Herbert Moncier. Michael Winck, Assistant United States Attorney, was present representing the government, and Jonathan Moffatt and Herbert Moncier were present on behalf of the defendant.

Mr. Harmon was present and stated that he has retained Herbert Moncier and wished to have substitute counsel. The government, through Assistant United States Attorney Michael Winck indicated the government did not object to the substitution of counsel. The Court finds the oral motion is appropriate and **GRANTS** the motion. Mr. Moffatt is relieved of his appointment as counsel and Herbert Moncier is substituted as counsel of record.

It is therefore **ORDERED** that the defendant's oral Motion to Substitute Counsel is granted and Herbert Moncier is substituted as counsel of record for Mr. Harmon, in the place and stead of Jonathan Moffatt.

**ENTERED:**

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge